

**AMESBURY CONSERVATION COMMISSION  
TRANSPORTATION CENTER  
68 ELM STREET  
JUNE 2, 2014 @ 6:30 P.M.**

**PRESENT: STEVE LANGLOIS, CHAIR, SUZANNE EGAN, MICHAEL BIK, ALAN COREY.**

**ABSENT: KINSEY BOEHL.**

**ALSO PRESENT: JOHN LOPEZ, AGENT; PAUL BIBAUD, RECORDING SECRETARY.**

**MINUTES:**

**4-7-14 MOTION TO APPROVE BY MICHAEL BIK, SECONDED BY ALAN COREY.  
All in favor.**

**5-5-14 MOTION BY MICHAEL BIK TO APPROVE, SECONDED BY ALAN COREY.  
All in favor.**

**ADMINISTRATIVE:**

**John Lopez:** One agenda item that was not on the agenda through miscommunication: the Lake Attitash Association had intended to submit a request for an amended Order to be heard by the commission, concerning an amendment to an existing Order of Conditions. Due to missed deadlines, the support material that is required was not submitted by the meeting deadline. The proponent didn't know that they had to submit material prior to a meeting. They did submit a public notice that appeared in the Newburyport Daily News and abutter notification. Unfortunately, because I was not notified of this, it never appeared on the agenda. We are required to close the agenda within a certain time period prior to a meeting. Administratively, we can continue this to the July 7 meeting for an amended order. I see someone here from the Lake Attitash Association who handed out flyers to the commission. You are welcome to brief the commission quickly tonight, or we can continue to the July 7 meeting. This would be considered merely an administrative briefing tonight, with no voting involved on the OoC.

**Todd Campbell, president of Lake Attitash Association:** 28 Birchmeadow Road is my residence. We have a state grant and did a number of improvements around the lake, including installation of a rain garden. We're happy to continue to July 7, but we're working within a grant window that fiscally ends June 30, but I believe we can buy the materials ahead of that and continue construction after approval of all the commissions. Knowing we can continue gives us assurance that we can continue to do material aspects of the project.

**Linda Perrault, 45 Birchmeadow Road, living there 34 years:** I prepared a letter that I'll read again on July 7 for the record, but I'll read tonight also.

I've been a board member on the Lake Attitash Association for ten years or more. I'm here to advocate for the installation for the rain and buffer gardens at the new house that will get rebuilt at 42 Birchmeadow Road. I understand they are planning some sort of water system that will run the water off. This is such a simple way to solve this problem. Through the years, I've watched rain water pour down the hill, on the properties of 42 Birchmeadow Road and flow directly into the lake. This rain runs over the grass, pulling nutrients from the soil, and tosses them into the

lake. Storm water run off is the single largest contributor to the degradation of the lake. The storm water brings nutrients, pathogens and sediment into the lake. These nutrients contribute to the growth of weed proliferation and cyto-bacteria. The use of buffer gardens along the edge of the water can capture nutrients before the water runs into the lake. Rain gardens can be planted to collect water from the rain gutters to filter the nutrients from the rain water before it enters the lake. It is this type of small conservation act that make a big difference and can help save Lake Attitash. I truly hope that these gardens can be installed to help efforts to save this lake.

**John Lopez:** Mr. Chairman, I think as a commission, we need to figure out and maybe draft a draft policy where any proposed project that comes before the commission that is jurisdictional to any of the lakes, it would be beneficial as a professional courtesy and for the expertise, to forward the application to the Lakes and Waterways committee for a review and recommendations to the commission. We don't do that as a standard policy now, but it would really be worth our while to draft something, as opposed to me just remembering to do it.

**Linda Perrault:** I think it would depend on what the authority of the lakes and waterways commission is. We'd have to look at that and ask what their role is. They are not part of the regulatory authority, so maybe for information sake it'd be helpful, but it wouldn't necessarily be legally binding.

**John Lopez:** It would provide us with suggestions from people who perhaps have technical expertise in the area. Certainly it would not be legally binding, because they don't have the regulatory authority. I believe Lake Attitash is a 501 C 3 non-profit. That brings me to another point. Mr. Campbell, when you submit your information, lets make sure that you get the waiver request to waive the \$110 filing fee, because you are a non-profit. So we'll just continue this to July 7 meeting to formally open the hearing.

#### **Letter to the Planning Board-CVS erosion control bond (Amesbury Conservation Commission)**

**John Lopez:** This dates back to the March 3, 2014 meeting at which the Planning Board solicited input from the Conservation Commission concerning the release of funds from an erosion control bond that they were holding. At that point, the Conservation Commission requested the Planning Board withhold a portion of the funds until it was further into the growing season to see if any of the money was needed for erosion or any unforeseen occurrence. A site visit was conducted by myself, along with the commission's monitor from BSC, Jillian Davies, on May 7, 2014. The site is in very good condition. There are a few plants which have failed to thrive, but they will need to be replaced per the Order of Conditions by the end of this growing season. I feel the site is in fine shape. This is a success story because this was a constructed wetland and it was different from the traditional approach. The Conservation Commission can take credit, along with the applicant and it's representatives. There is a nesting pair of Mallard ducks that are taking advantage of the conditions. I recommend that the Conservation Commission request the Planning Board to release the full amount of bond funds. There will be environmental monitoring funds available per the Conservation Commission Order of Conditions, so releasing the funds is appropriate.

I can draft a letter on behalf of the Chairman, and have you sign it, requesting the Planning Board release the full funds.

**Motion** was made by Suzanne Egan to request the Conservation Commission to draft a letter to the Planning Board requesting they release the remaini9ng funds to the applicant. Motion was seconded by Michael Bik. Vote was unanimous.

### **Conservation Commission Training (Merrill- MA. DEP)**

**John Lopez:** The commission was quoted a number of dates that were suggested by the DEP staffer who will be conducting the trainings, pursuant to the commission's request that two dates be identified within the coming two months. Dates were forwarded. Has the commission reached a consensus on dates for trainings?

After the commission discussed available dates, it was decided that Wednesday evenings at 6:30 P.M. on June 11 and June 18 would be best. The trainings will take place at the Senior Citizens Center in a joint training with the Georgetown Conservation Commission pursuant to the Ma. Wetlands Protection Act. John will organize that with all players.

### **Violation Notice – 22 Merrimac St. (Mammola)**

**John Lopez:** This is in reference to unauthorized activity within a river front area and FEMA flood zone, landscaping and the installation of a patio. A site visit was conducted on May 21, 2014 and the property owner and his representative are here tonight.

**Joseph Pellich of North Andover, representing Mike Mammola, property owner:** I think the site visit went well, taking care of Mr. Lopez' concerns. Mike provided a sheet to Mr. Lopez showing the patio. We'd already provided the site plan. So the commission has the plan, where you've marked up where you're going to touch up the wall to take care of the erosion, taking the sill out of the ground and replacing it with new timber. We will talk to John, if the time comes, about the driveway up top. So we'd love to continue. The grass is beautiful, lush and full.

**John Lopez:** It depends on how the commission defines a significant alteration to the Order of Conditions. The DEP does not legally recognize any modifications to Order of Conditions. There is some leeway provided at the local level at the discretion of the commission. If the Conservation Commission considers the activity minor, then DEP will accept it. However, the commission has to decide whether this crosses the threshold and whether the alterations and additional activity warrants an amended Order of Conditions, which would necessitate a butter notification and a legal notice in the newspaper.

**Steve Langlois:** We agreed a modification would be fine. It's minor and it won't set a precedent, so we can vote on it.

**John Lopez:** We all agree, then, that the activity is now part of the legal site plan (plan of record) and this will have to be reflected on as-builts when the time comes for a Request for a Certificate of Compliance, and those as-builts will be stamped and certified by a professional engineer. However, I do disagree with the commission. I feel that, procedurally, an amended Order is warranted.

**Motion** was made by Michael Bik that we recognize this as a minor modification. Motion was seconded by Alan Corey. Vote was three yes for it being a minor modification. Suzanne Egan abstains since she wasn't present at the site visit.

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**RDA- 35 Water St., 17 Chestnut St. ( Remediation of Amesbury former MGP temporary construction access and staging area) (Boston Gas DBA National Grid)**

**And also: NOI #002-1079 39 Water St., 33 Oakland St., Amesbury (former MGP Phase IV Remedy Implementation) (Boston Gas DBA National Grid)**

**John Lopez:** This briefing is strictly for administrative purposes. We have new commissioners since the Notice of Intent was introduced. For legal reasons, all commissioners must be briefed and current on projects in order to vote. This is pursuant to a Request for Determination of Applicability and a Notice of Intent for the proposed clean up of a contaminated waste site at the end of lower Water Street in the Lower Millyard. For the record, the new commissioners are being given tonight the support material to the project. Nothing new is to be discussed in this briefing tonight, it is just to present the facts of the case, which enables the commission to legally vote on the issuance of the Order of Conditions and the RDA at the appropriate time.

**Briefing only on these two above combined agenda items made by Jeff Bridge from LEC Environmental. I am here tonight to speak on behalf of Boston Gas Company, DBA National Grid.** I will provide you with a quick update concerning the status of the previously filed NOI and request for Determination in connection with the remediation of the Amesbury former MGP (manufactured gas plant) site at 39 Water Street, adjacent to the Powow River. The purpose of which is to advise you of the progress that has been made since the last hearing but not to introduce any new information at this time. Specifically, we've been coordinating with the peer reviewer, responding to their comments and modifying the design to address their concerns in advance of the continued public hearing which we previously requested to be scheduled on July 7.

On Sept. 9, 2013, National Grid filed two applications, a NOI for the actual remedial work to occur on three properties and a portion of the powwow River. One property belonged to Boston Gas or National Grid, another belonged to the city, and then a private parcel. We also filed a Request for Determination of Applicability for the adjacent for4 the adjacent parcel. The reason for that is to provide access and the necessary temporary construction and staging areas in support of this limited project activity, and the clean up of this MGP site. Remediation will involve dredging, excavation of wetland soils and upland soils, to the extent necessary, and restoration of temporarily altered resource areas. Various BMTs and mitigating measures will be implemented in association of this project. Of note is that temporary steel sheeting is going to be driven the bike way slope there, all the way across the site, and tying into the slope in the vicinity of what used to be a historic landfill. By driving that temporary sheeting, we're totally enclosing the work area, such that any project related impacts will be confined to the site such that the river will be protected as well as any offsite adjacent wetlands. Mitigation will involve a detailed planting plan, to the point where we'll actually be more wetland and greater flood storage than exists currently. On Oct. 7, we actually had a joint public hearing with the Planning Board. That was opened and continued, after which Mill River Consulting was retained by the Conservation Commission to do a peer review of our proposal. During that peer review process, MEPA has since issued a final certificate on a Notice of Project change, We filed application with DEP for water quality certification and Chapter 91. We have had an onsite meeting with DEP representatives in response to those state filings back in April. We've also met a couple of times with the Army Corp of Engineers with regards to compliance with the Federal Regulatory process, given the fact that we need permits from the local, state, and federal level for this to move forward. In January, a site meeting was held with the peer reviewers,, and we received initial peer review comments from them in response to the NOI and RDA. In February, we provided responses to those comments, and we held a project coordination meeting with the peer reviewers as well. During that time, some of the initial comments were resolved, but yet other

new comments were identified. As stated, coordination with the peer reviewers has been ongoing, and we've been working to develop additional information and revised plans to address their concerns. Later this week, we will provide supplemental information and revised plans to the peer reviewers and a second coordination meeting with them has been scheduled for later this month, the purpose of which is to identify and address any potential outstanding questions or concerns in advance of the continued public hearing on July 7. As required, we will file the revised information and plans with the commission in time for the July 7 continued public hearing. At that time, the full National Grid team will be present and prepared to answer any specific questions you may have regarding the proposed project. I am happy to answer any general questions you may have at this time.

**Steve Langlois:** What roads are going to be used for transportation for taking that material out of there?

**Jeff Bridge:** We will address that on July 7 with a truck routing plan. But obviously, contaminated material from both the wetland and from the river first of all needs to be de-watered. So there will be temporary stockpile areas on the site of National Grid property. When that material is de-watered, it will be placed in trucks and taken to New Hampshire. But obviously, it's got to get up Water Street and out of the city to the highway. But there is a truck routing plan that has to address that. The Planning Board is interested in that also.

**John Lopez:** Any other town entities that need to be brought in on that, such as fire, police, Safety, etc.?

**Jeff Bridge:** That may be a good question for July 7 personnel, other than this wetlands guy.

**Steve Langlois** asked if any other commissioners had questions. They did not. Briefing then ended.

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## CONTINUED BUSINESS:

### **NOI # 002-1093 10 Strathmere Club Road (Doughty)**

**John Lopez:** This is a follow up to a property owner who had removed trees without coming before the Conservation Commission. She was unaware of wetlands laws, protocol, etc. Rather than issue an enforcement order, the commission allowed the applicant to submit a Notice of Intent for work along with a mitigation plan to compensate for the removal of the trees. The applicant did so, and at the previous meeting, Conservation Commission remanded to the applicant for revision to include all plantings of a native, non-hybridized variety. The property owner has done so. I think it meets all of the requests of Conservation Commission and, if there are no further outstanding issues, I feel that it is right for the approval of an Order of Conditions issuing the work pursuant to the approved plan.

(no abutters were present that wished to speak on this matter).

(no questions from the commission).

**Motion** was made by Suzanne Egan to issue an OoC approving the work pursuant to the modified plan. Motion was seconded by Michael Bik. Vote was unanimous.

**Motion** was made by Michael Bik to close this hearing. Motion was seconded by Alan Corey. Vote was unanimous.

**NOI # 002-1088- 12 Old Merrill St. (Toth)** Continued to July 7.

**NOI # 002-1092 – 42 Birchmeadow Road (Wojcicki)**

**John Lopez:** At the previous meeting, the Conservation Commission directed a draft Order of Conditions be presented at tonight's meeting for the project. However, the project was also an open hearing before the Planning Board, who had requested some additional changes that I would consider significant changes to the proposed plan, all beneficial to the project. The applicant's representative is here tonight to describe those changes and brief us as to where things stand.

**John Paulson, Atlantic Engineering:** The plan has changed. The Planning Board needed to approve it under the Special Permit, and the ZBA needed to approve it for Finding on setbacks, lot size, etc. ZBA had approved it, and it is in the appeal period of that. They didn't make any changes. Planning board has not approved it yet, but have looked at all the changes that they have requested and Nipun has forwarded that to John, who has looked at it. You have these changes also. Basically, Nipun and the Planning Board is looking for is that I wasn't proposing at the time to put a walkway of any sort down to the lake itself, but he wanted to show it so it would be there. It's the same type walkway as we have here, it's a pervious walkway so it doesn't impact any impervious areas. The infiltration area that I had in this area here, I have moved up here. We changed the gable end of the house so now I have roof runoff going here which will overflow and go into a stone trench that is on this side of the house, then that will overflow, if it ever does, to this area where I changed the grading a little bit to make it a little bit of a rain garden in retaining water somewhat, but I doubt it will. I added additional native plantings also in that area. The Planning Board was also concerned with issues from one of the neighbors re: a ten foot right-of-way showing that it is not on our property. I defined this catch basin and now have it in detail. I have a hood on it for oil and grease protection. I put a little more detail into the infiltrators which will be for this catch basin going into the infiltrators here, the roof runoff on the side going into this infiltrator, and this infiltrator for this side of the roof runoff. I have an O+M plan outlining how they are supposed to maintain them. The last thing I did was to put site restrictions and conditions that may or may not be in the Order of Conditions, but the plan is a part of it. The other thing that was done was that the house was made less number of square feet...not in footprint but we took a floor out of it. There will be a 10 or 11 foot basement. The lower level will be at 105. We had it down near 100 before. The 104 contour is a step out of the bottom level but it will effectively be 3/4s of a story less from the visual side on that level. The Planning Board also wanted me to highlight the existing and proposed areas of pervious vs. impervious areas. They also wanted me to separate this into two sheets, one being existing conditions and the second sheet showing the proposed conditions. So we'd like you to incorporate this into the final plan for Conservation. We go back to Planning Board at their next meeting, but Nipun reviewed it all and seems acceptable with it. The basement floor is still down at lake level, and the first floor is still at street level. Most of the lower (basement) level will be wood framed. It will look a lot like it does now, just a little higher and a little bigger footprint. We also supplied a planting plan and description of all the plants involved.

**Linda Perreault, across the street on 45 Birchmeadow Road:** I want to understand the water system you described, the catch basins? How does that work?

**John Paulson:** It's all under ground. These infiltrations systems are plastic chambers like an upside down U. It is surrounded by stone. So you have topsoil, subsoil, then stone around the infiltrator and the water comes down into that from the roof, down the gutter and into that. From the driveway, it will go into the catch basin, then go out into the infiltrator.

**Linda Perreault:** Why can't the water be directed into a rain garden and buffer garden, so the nutrients can be taken out as opposed to putting it into a system that you cannot guarantee that someone is going to clean those out. That is the main problem with catch basins. It would solve a lot of the problems just by having the gutters be directed into rain gardens.

**John Paulson:** The main reason I never put gutters and roof water into a surface system is because I'm taking clean water which is rain from the roof by DEP standards is clean water. If I put it on the surface of the ground, what happens if and when people fertilize their lawn? Now you'd have dirty water if it goes over there. I have always infiltrated. It's a much better system.

**Steve Langlois:** So Mr. Paulson is stating that no water is going to go from the street, over the property, and into the lake?

**John Paulson:** No, I'm not saying that. The roof and driveway water is what is getting infiltrated. We've met all the standards, in fact more than state or city regulations call for.

**Linda Perreault:** Even a rain garden at the front of the property would help. Water just pours down the neighbor's driveway, which leads into this property. It flows readily. If there was a garden there by the road, it would catch it.

**Todd Campbell, Lake Attitash Association president:** There was mention of an existing catch basin with a drain into the lake. Would that be removed as part of this construction?

**John Paulson:** It's being replaced by the infiltrator system. The line that goes from the catch basin to the lake is going to be used as an overflow if the infiltrator needs it.

**Todd Campbell:** I don't believe EPA would allow direct flow into the lake.

**John Paulson:** We do not have to comply with any storm water management act standards for this.

**Todd Campbell:** I would encourage you to remove that, because even an overflow and storm management has a direct concentrated flow that is...

**John Paulson:** It's not untreated. It's going through the catch basin and through the infiltrator and it is treated.

**Todd Campbell:** I'm familiar with the systems, but once you are in a flood overflow, it floods over the surface and your retention time is gone once you are into that.

**John Paulson:** I disagree with that.

**Todd Campbell:** I say if there is a chance to remove a direct pipe into the lake that has been there since before any standards before this commission took place that would be something we should highly encourage, and come up with a different method of overflow and piping directly into the lake.

**John Paulson:** It's not piping it directly into the lake, it is going through two mechanisms before it potentially overflows into the lake. It is taking a small piece of driveway, going into the catch basin which has sediment trapping oil and grease hood, and going then into the infiltration system.

**Todd Campbell:** And what is the retention time during a storm water event that overwhelms the system and causes an overflow?

**John Paulson:** Probably a ten year storm.

**Todd Campbell:** We have a hundred year storm every year now, it seems, but what is the retention...

**John Paulson:** Well, everything else is going to be flooded in a hundred year storm.

**Todd Campbell:** But what is the retention time when we're in a ten or hundred year storm scenario? Is it retaining, or does it overflow the system and flowing directly into the lake?

**John Paulson:** When you're having a ten year storm or a hundred year storm, that rain water doesn't all happen at once. It happens usually over a 24 hour period. Rain comes and goes during that 24 hour period. The calculations have not been done to answer your questions, because a single family house lot does not require it.

**Todd Campbell:** So it's a basic question: when you are in an overflow situation to where you now come to this scenario where the flow is going directly into the lake, it seems to me that you've now overwhelmed the retention going above and beyond capacity, so it follows straight into the lake. I think this is a perfect time to remove a pipe that goes directly into the lake, which, with all the work we've done on Lake Attitash, in recent studies, where most systems were implemented long before any standards were set in place. So now is the time to eliminate this pipe, during this construction.

**John Paulson:** It's a minor construction project, and replacing a single family home... again, I've done everything on this lot that I can do to help the lot. I wouldn't have put it into this pipe, and we can remove this pipe. I'm still going to have an overflow, and it will overflow onto the ground. You have to have an overflow for it.

**Steve Langlois:** Why is it you considered leaving the pipe in there in the first place?

**John Paulson:** Because for 95% of the time, the pipe will do its job and it will never see water. How often, in reality, do we get an inch to an inch and a half of rain in a 24 hour period? Even when it rains a lot, we don't get that much rain. This will handle all of that. There is a 12% slope, so it won't percolate into the ground, either. Once it hits that slope, it will be going right down into the lake.

**Commissioner Suzanne Egan:** John, did we have a third party look at this?

**John Lopez:** We did not.

**Commissioner Egan:** And as an agent, when you looked at this, were you concerned with that issue?

**John Lopez:** It was an issue. I do feel that if the water does flow over the surface, invariably, someone is going to be here. A property owner is going to fertilize their grass. I do think there is a higher probability of it picking up a contaminant through surface transit and into the lake, than through subsurface transit. So I happen to agree with the applicant's representative on this. Whatever the commission decides, there is a 21 day appeal period where the public is free to appeal the commission's decision. I'm willing to help anyone through that process.

**John Paulson:** Again, I have no problem taking the pipe out of there and overflowing it probably through this wall onto the surface of the ground. I just think that's a bad idea.

**Steve Langlois:** I don't have a problem with the pipe, since it will rarely see any water.

**Motion** to approve an Order of Conditions pursuant to plan submitted on 5-23-14, page one of two was made by Suzanne Egan. Motion was seconded by Michael Bik. All in favor.

**Motion** to close was made by Michael Bik. Motion was seconded by Suzanne Egan. All in favor.

**NOI # 002-1087    19 and 21R Evans Place (Saba)    Continued to July 7.**

**NEW BUSINESS:**

**RCoC #002-1071-   159 Kimball Rd. (Tehee)    Continued to July 7.**

**RCoC #002-0840   52 Cedar St. (Wojcicki)**

**John Lopez:** This is in support of an OoC that was issued by the Conservation Commission on 12-13-05 for the construction of a single family home. The owner failed to submit a request for a certificate of compliance, and now wants to sell the house. So the title search has uncovered the outstanding order. A review of the as-built plans indicate that there were some modifications to the approved work, and they've been identified in my briefing memo to the commission of 5-27-14. I won't go into all of the deviations, but as an example, there is deck added to the structure, the closest point of the deck to the wetlands is 75 feet. There is a shed that was added but within the existing footprint of the house, because the house was reduced. It should also be brought to your attention that this really predates our ordinance and regulations. So in reviewing the minutes to this hearing, I noted that the Conservation Commission conducted a site visit and after the project was done, they requested that some no-cut placards be installed. I conducted a site visit with Commissioner Corey several weeks ago in support of this request. In talking to the property owner, the placards were long since removed. He didn't know that they had to remain in place. In reviewing the minutes of the hearing, the commission didn't specify what type of no-cut placard to be installed. These were simply plastic tags put around trees with wire. Once the current property owner was informed that those placards were supposed to stay in perpetuity, he found them and put them back on. My site visit with Mr. Corey identified these and confirmed that unauthorized deviations pursuant to the support letter for the request for certificate of compliance. All deviations are not significant and probably would have been approved, had they been brought before the Conservation Commission's attention. In the interest of mitigation, I entertained a discussion with the applicant's representative to substitute for the small placards our standard granite bounds, four foot granite bounds two feet sub-gradient with one of our no cut / no disturb beyond this point by order of Amesbury Conservation Commission. The applicant was more than willing to comply. In my opinion, we come out ahead on this. The applicant's representative has submitted revised as-built plans reflecting the location of the granite bounds as he has photographs. So I'm curious to know if the commission has any outstanding issues, other than to once again remind the applicant that all modifications must come before Conservation Commission. I think a certificate of compliance would be appropriate. **Motion** was made by Commissioner Corey to issue a Certificate of Compliance. Motion was seconded by Commissioner Bik. Vote was unanimous.

**NOI # 002-XXXX – 68 Lake Attitash Rd. (Hallessey)**

**John Lopez:** This is a NOI in support of the removal of a number of trees. The applicant claims these trees are in decline, along with a proposed landscaping plan to serve as mitigation for the removal of the trees. All of the plantings are native non-hybridized and the applicant's representative is here.

**Michael Seekamp, Seekamp Environmental Consultants:** I am here tonight Ellen Hallessey. The project is for the removal of four oak trees and one white pine. There is an existing house. I've provided a number of photographs that show the trees, the tree line above the house, and we've included in this NOI the correction via landscaping of an erosion control problem on the site due to lack of grass. So we'll be mitigating that problem. There is also an existing rock wall which will be rebuilt that connects to the fire place that are within the extent of the rock wall. The trees in question are mature, we've included two letters from arborists confirming, but they may not even be necessary. It isn't a matter of if they will come down, it is just a matter of when. They also lose limbs, and Ms. Hallessey live in this house. I assume their bedrooms are upstairs.

I know I wouldn't want to live under trees like this. We've also provided photographs of the erosion that we want to take care of and the rock wall to be replaced.

**Steve Langlois:** This is a pretty sparse description. Seems to me there should be a little more narrative to this.

**John Lopez:** Could you identify the exact number of trees, the species of trees, what is being proposed for mitigation and why?

**Michael Seekamp:** On the plan, we show what trees are to be removed. There is a 30 inch oak which is within 10 feet of the house. Another 30 inch oak in the front, and two sixteen inch oaks, then a 26 inch white pine that is actually rooted in the neighbor's property, but also poses a hazard to this property, and the neighbor has expressed permission to be removed. I received a letter from this neighbor to the west, and I believe the commission has received a letter from this neighbor also.

**John Lopez:** I also received a voice message from an abutter whose name escapes me, but I saved the message, who is in support of the proposed project as well.

**Commissioner Egan:** Do you have a proposed planting plan after the removal of the trees?

**Michael Seekamp:** Yes, the plan is to plant a series of native shrubs along the area between elevation 104 and the slope. We have low bush blueberry, high bush blueberry and common juniper, which is a low growing shrub. We'll leave it up to the landscaper to decide precisely where they will go, but that is the general location. Because it is fairly steep there, we don't want it to erode, so we'll put in sod rather than planting grass seed.

Straw waddles will be installed as a buffer to the lake, in case something gets under the sod. Then it will be above the sod. There is already an erosion problem, so this should fix that. The water appears to be sheeting off Lake Attitash Road and is probably the culprit. We intend to plant grass up by the road to help slow down that sheeting off the road. Up there, it isn't very steep. It should serve as an erosion control itself.

**John Lopez:** I don't know if a DEP number has been assigned. Commissioner Corey is looking it up...

**Michael Seekamp:** Actually, they have. I have it over here. It is **DEP # 002-1097**. Under comments, it says "under review."

**Steve Langlois:** Commissioner Bik is recusing himself on this matter, as a lake resident. Any abutters wishing to speak?

**Len Bearse, abutting neighbor to the left:** I'm the neighbor who sent you the letter in support of this project. I'm directly affected on the west side of that. I am the abutter who has root on my property. One tree is actually leaning towards my house.

**Barry Fogel, attorney for abutter Deb Dow at 66 Lake Attitash Road:** A couple comments, if I may. That pine, if it is on Mr. Bearse's property, is that going to be cut to a stump and then left as a stump, or is it being cut from the property line over?

**Michael Seekamp:** It'll be cut to the stump. We're not removing any of the stumps.

**Barry Fogel:** With regards to that then, I would think the Notice of Intent needs to be amended in order to represent the work being performed on that property. Obviously, the applicant can get the co-applicant's signature on the form, but I think for your record, you'd probably want to have a NOI that reflects what is going on, on both properties. Second of all, while the amending NOI doesn't indicate that any work is being done on the bank, and yet the narrative says that it is. The only box checked on the NOI form is buffer zone only. But the narrative description says that work is being proposed on the bank to restore the stone wall and put plantings in.

**Michael Seekamp:** I'm not using that in the technical term of a resource area. It's a slope.

**Barry Fogel:** I guess my question to you is, what elevation is the bank presumed to end?

**Michael Seekamp:** The bank is at the edge of Lake Attitash, 96.42 as of 5-5-14.

**Barry Fogel:** So, on Lake Attitash, you'd consider it validation that the lake would be the bank and not anything up the slope? I don't know how the Conservation Commission in Amesbury determines its slope, but typically (and DEP has in its guidebooks) a plan for how you determine where the break of the slope is at the top of the bank. Either way, if it has worked within the buffer zone of the bank, that too needs to meet a performance standard, which is to not destabilize the bank and I agree with Commissioner Egan who asked for a planting plan. I think this NOI is deficient in not having any detail. It doesn't propose a mechanism for replacing the stone wall. That ought to be shown in some detail in order to suffice what a NOI should include. I think a planting plan that shows the type of vegetation and how many will be involved.

**Michael Seekamp:** It's all in my narrative.

**Barry Fogel:** And what size? It is not depicted on the plan, which would help the commission and anyone else to see where these will be located. The NOI has the box checked that "this isn't an outstanding resource water" yet there is no discussion on how any performance standards to satisfy what might be applicable being in the area of an ORW, so I suggest the commission might want to ask the applicant to supplement that.

Now for the trees. Again, not knowing what this Conservation Commission's standard is for tree removal, but typically, Conservation Commissions looking at tree removal start with a presumption of not taking down a tree. Starting with trimming of any dead branches or damaged crowns, but the proposal here is to take out five mature trees, which are not unusual on the shores of Lake Attitash. They are all over. Tonight, I've sat through two hearings for people who cut trees without permission. When they do come before you before the fact, rather than after the fact, I would think that you would want to apply a standard of not just allowing trees to be cut. I see the two letters that talk about the presumption that there is a threat. Mr. Seekamp said it is not a question of if but when. But I've seen the site. I assume commission members have been out there perhaps for the fence NOI or the RDA. But these trees are pretty mature and stable looking. I didn't see dead limbs, but I'm not a tree expert. So I would think the Conservation Commission might want to be cautious about allowing all of these trees to be cut, without starting to look at some alternative analysis, looking at which trees have branches, perhaps decay mentioned in one of the letters that needs evaluating. But this area of the lake, these trees stabilize the slope, they take up a lot of water that otherwise may run off, so on behalf of the abutter on the other side of the property, I ask the commission ask for more detail, apply a more stringent standard for a proposal to remove trees than just getting letters that say "these trees present a danger". I think that is true of any tree. And lastly, ask for some form of erosion control or grading plan that is a little more sophisticated than just planting grass. Photographs show that it may be difficult here with the trees. If that is the fact, then maybe there is an alternative for some sort of stepping or grading. I would think that is all something the commission could ask for as part of a plan, showing where the plantings are going to go, what the detail is of the stone wall replacement. As it is, my client believes this plan is deficient in this form, and the narrative needs to be upgraded to provide the commission with the ability to apply the performance standards of the state as well as your own bylaws.

**Steve Langlois:** Any other abutters wishing to speak. (no). Are there any other comments from the commission?

**Commissioner Egan:** I'd like to have the applicant respond to that.

**Michael Seekamp:** The detail is in the narrative. This is a simple project. We're trying to establish grass to prevent erosion. We want to rebuild a stone wall, in place in kind, to be done by hand. I don't know of any other type of mechanism or sequence that I could show. It will all be reset, lifted out, placed atop one another to form a wall. The cutting of the trees is pretty simple. They pose a danger. We provided letters from arborists. We got support from one abutter, and we have apparent opposition from another. We described where the shrubs are going, as well as the erosion control and where it will be placed, and what it will be made of. We show on the plan which trees are coming out.

**John Lopez:** I'd like to ask the abutter's representative a question. Mr. Fogel, could you just elaborate. You requested more detailed mitigation plan. Did I hear you hint at a more elaborate landscaping plan to perhaps solve the erosion control problem?

**Barry Fogel:** As it is, where the fence is now, the concern is that, depending on how things are re-done out here, if water may shed possibly towards and under the fence onto my client's property. It just lacks detail. I would point out that I have not seen an NOI recorded. Apparently you guys require the narrative to be part of the plan as an exhibit? That is all the more reason to have more detail in the narrative. Certainly with the request for additional information with regards to determining where the top of the bank is important.

**Commissioner Egan:** I would request a more detailed plan to be submitted.

**Michael Seekamp:** Can I ask what details you'd like to have added?

**Commissioner Egan:** I'd like to see a landscaping plan, and I know you have concerns about the exact placement, but there needs to be something more detailed and have it reflected on the plan. I also think that a good point was raised about work being done on the property that is not noticed. I don't know how you are going to get around that one, because if work is going to be done on property that wasn't noticed, it can't be included in this property.

**Michael Seekamp:** By amending that, we will get a signature from that property owner and we'll amend the cover page of the NOI.

**John Lopez:** Mr. Seekamp, please confirm that all abutters within 100 feet have been notified. If there is no need to re-notify abutters, please document that in a letter to the commission and explain why. Also, the address of the abutting property needing a tree removed has to be cited in the NOI.

**Commissioner Egan:** We also need a detailed explanation of the stone wall removal and replacement. A new wall in kind doesn't provide us with a very good explanation.

**Alan Corey:** And if you could, show where the plantings are going to be on the plan.

**John Lopez:** I think we have our text for our motion. Because this is under review by DEP, I do recommend that, if the commission agrees with the commissioner's suggestions, this be carried in a motion. I suggest that this be continued to July 7 meeting, pending DEP comments. I throw this out to the commission: do you want to do a site visit?

**Steve Langlois:** I think it would be appropriate.

**John Lopez:** So we should schedule a site visit, hopefully with the applicant's representative be present to answer questions. Another issue I throw out for consideration: there has been documentation provided on the applicant's behalf that the trees are diseased. I'm not an arborist, but the city does have a newly appointed arborist. The arborist is specific to shade trees in a public right-of-way, but as a professional courtesy, we might ask him to review this with us.

**Motion** was made by Commissioner Egan that Conservation Commission requested of the applicant submit an amended plan showing a landscaping plan, a plan regarding the removal and replacement of the stone wall, and also the bank determination in accordance with DEP

standards, also look into the checked box on the form about water resource area and does it meet the standards. Motion was seconded by Alan Corey. Vote was unanimous.

A site visit was settled on for this Saturday, June 7, at 11 A.M.

**Motion** was made for the site visit by Suzanne Egan, seconded by Alan Corey. All in favor.

**Motion** was made to continue this to July 7 by Suzanne Egan, seconded by Alan Corey. All in favor.

**NOI # 002-1096 – 127 Kimball Rd. (Scimone)**      **Continued to July 7.**

**RDA 173 Kimball Rd. (Kurtz)**

**Dan Kurtz:** We have some trees we'd like to cut down at 173 and 171 Kimball Road. A number of those are pine trees. If you look at the photos in your packets, the numbers one and four show sort of bare root erosion. Basically almost all the trees are on my property, but some on Maynard's property. So mostly they are pine, but some oak trees as well. Oak trees are entangled in power lines, so it is a potential hazard for the lines and the house. So we're putting in a request to have those removed. I've identified in the black and white photographs marked 1-8A, then I have a number of dead trees in my backyard as well. There is a lot of woodpecker activity, so there might even be more. But these are the easily identified trees needing attention.

**John Lopez:** And you have an associated planting plan?

**Dan Kurtz:** I haven't made a specific plan, but I have 3 years to implement.

**John Lopez:** True, but the commission would like a planting plan.

**Dan Kurtz:** Well, mostly it would be fruit trees and ground cover. We'd probably look at low bush blueberry, and maybe juniper. I haven't gotten into specifics yet. I thought I had 3 years. The issue I'm having is trying to find native plants. I don't know where to get them.

**John Lopez:** I know I gave your wife a list of suggested plants. As far as where you get them, I don't know. We can't recommend specifically.

**Steve Langlois:** My concern is, once again, we're being asked to do the job of an arborist here. We could say lets do a site visit and say yes, that tree and that tree...but we don't know the whole science of all of it. I'd rather have a tree expert give us their opinion.

**Michael Bik:** My suggestion is that I'd have an arborist come in, take a look at your property, decide what trees need to come down. The other thing I would tell you to do is to call National Grid, telling them you have trees in your wires. That would be a good step for you to do to proceed before we can agree on anything.

**Alan Corey:** In some of these photos, I'm already seeing erosion.

**Dan Kurtz:** Yes. That is on the abutter's property.

**Alan Corey:** If you could show something that is going to control that, it might behoove us to say "lets take those trees and try to save it and keep that from eroding. I'm assuming there is a lake across the street?"

**Dan Kurtz:** Yes.

**John Lopez:** When I look at this picture, I don't really question whether the trees are healthy or not. I look at it and say "is this tree contributing to an erosion problem here, could this slope be better stabilized through plantings if these trees were removed, and in the event of a significant storm, if these trees toppled over, they'd take out the whole bank."

**Alan Corey:** Right. If we could see the plantings going on in there, I think it would make it easier for us to say "yes, take them down to make it better."

**Dan Kurtz:** Again, the difficulty I'd have in giving a specific detailed plan is locating local availability to find native plants.

**Steve Langlois:** I wouldn't worry about native plantings until it is decided what trees need to come down. We'll most likely have to do with this is, you'll have to present us with a professional opinion.

**Dan Kurtz:** We had a tree company come in, I can show you the paperwork.

**Steve Langlois:** It has to be from a certified arborist, not just a worker for a tree company. They'd also have to tell you what the root systems are doing, whether or not they are in tact, if they are ready to go, etc. We can't make these decisions without more information. So have a certified arborist look at what you want to do, and make comments about what those trees are doing, and then come back to us and we'll work on getting this done.

**Suzanne Egan:** It would be good if you came before us with a plan. We need to get everything we need to make these decisions. Save yourself some time by supplying us with all we need.

**John Lopez:** That plan would include a time frame. One thing the Conservation Commission would be concerned about is what the time frame is for this. In other words, your Order of Conditions or your approval would be written such that, "ok, you can remove these trees, but you don't have three years to plant something in its place." There would be no phasing of the project. You'd remove trees, then plant, then have a watering plan proposed in your plan. How often would you water these things? Also offer that if any of these plants fail to thrive within two growing seasons, they'd be replaced. Simple things.

Would a site visit be something the commission wants to do?

**Steve Langlois:** Not until after an arborist does their work first.

**James Baldwin, owner of the Maynard property next door:** When National Grid had a tree company come in to cut, the trees were right where those pine trees are now. When they were taken down, the center of the trees were hollow and eaten out by carpenter ants. At least two of the trees that Mr. Kurtz is talking about in the same condition. We're talking about that hill where all those pine trees are and where you see all the roots. I'm here in support of his plan because I'm the one that instituted this and I'm going to help him with the cost, simply because those trees are a threat to my property, my driveway, my cars, my children and grandchildren. This is why I don't want this to drag out. I constantly try planting things, but the pine trees drop their needles and kill everything I try to plant. This causes erosion on the hill, exposing roots, and eventually they are going to fall over. So you're saying if we get a certified arborist to come over and say these trees probably will come over, that is what you need?

**Steve Langlois:** Yes. That provides us with professional documentation to pass on into the records of the city.

**James Baldwin:** I'm anxious to get it done, so we can plant trees that would have a chance of making it through the winter.

**Motion** was made by Commissioner Egan to continue this to July 7 when the applicant is requested to submit to the commission a landscaping plan, a letter from a certified arborist saying that such trees are in poor condition and some information from the landscape architecture regarding the erosion.

**Dan Kurtz:** I'm not certain that date will work for me to attend that meeting.

**John Lopez:** You can continue to August, but our growing season ends October 15, so we want everything installed by that date.

**Dan Kurtz:** Perhaps Mr. Baldwin could represent me at the meeting. (Commission says yes). Motion was seconded by Alan Corey. Vote was unanimous to continue to 7-7-14.

**NOI # 002-1095 56-58 South Hampton Rd. (Coulliard)**

**John Lopez:** This is a NOI in support of a proposed 15 lot residential subdivision located on 28.47 acres. The proposed project includes a driveway and 13 residential single family house lots, proposed roadway, 1605 feet. There is an associated proposed storm water management system that includes installation of nine hooded catch basins. This was the subject of a conceptual phase review by Mill River. The Conservation Commission, at a special meeting, as an administrative action, identified BSC as the reviewer for the project, now that the NOI hearing is upon us and the scope of review is pursuant to the wetlands protection act, the Amesbury Wetlands Ordinance, and the MA Storm Water Standards.

**Suzanne Egan:** So we have a consultant under contract to review this?

**John Lopez:** The consultant was identified at the previous meeting. Now that the hearing is open, they can proceed accordingly. No review has taken place as of yet. The applicant requested that the Conservation Commission identify a peer reviewer in advance of this meeting.

**Suzanne Egan:** I guess this is my concern. If we have a NOI come before us, it is a complicated storm water system, and we know we're going to send it out for third party review, if we don't have a consultant under contract and attending this meeting, we're essentially wasting the developer's money, because we're going to require them to do it again.

**John Lopez:** This is only to satisfy the legal requirement to open the Notice of Intent hearing. No decisions are expected tonight.

**Suzanne Egan:** Is this the same one that was not a complete application, but we held a meeting for anyway? (JL= Yes). Is this application complete at this point? (JL=yes).

**Philip Christianson, with my business in Haverhill, representing Mr. Coulliard, the developer:** For clarification, BSC is authorized to review this now? (JL=yes, they are under contract).

**Buzz Coulliard, developer:** But in between that time from two weeks ago, I was hoping BSC would be able to do something to get this reviewed. They didn't do anything, I guess. I don't know why, but that is why we're here. I thought the whole idea of that special meeting was to hopefully identify them, get them on board, and get some substantive stuff tonight. But they didn't do what they said they were going to do.

**John Lopez:** Tonight is substantive in that you are opening the Notice of Intent, which has to be done. It's just a matter of how far we want to go with it. I'd recommend a brief briefing then continue to July 7.

**Philip Christianson:** Question about July 7, just to clarify this: We may not get comments from BSC for two weeks, say, in which time, they would not be in 3 weeks prior to the July 7 meeting. Is that a problem?

**John Lopez:** Your comments would be submitted to the commission as well as BSC for an additional review. It could be a problem, yes.

**Philip Christianson:** I mean, that is part of your regulations that we have to have everything in three weeks prior to a meeting.

**John Lopez:** That is correct. With the commission's approval, we can relax that deadline.

**Philip Christianson:** I just wanted that clear, because since you don't have comments from BSC now, I think that is for a site visit, so if they do a site visit, and if that takes more than a week, then we don't have their comments three weeks prior to the next meeting.

**Steve Langlois:** I think we would want someone from BSC present at the meeting to present the comments that hopefully will be out. They are supposed to be out with that much lead time so

that people get a chance to read and digest them. I'm not looking to break any laws here. What does the commission think on that? It takes 21 days. So basically we talk tonight. If BSC does not get their review to John's desk 21 days before our next meeting, then John can't present it at that next meeting.

**Michael Bik:** So how can we improve that?

**Steve Langlois:** You can't. Timelines are timelines.

**Michael Bik:** So it's really out of our hands.

**Philip Christianson:** I don't think its out of your hands. If you've got comments from BSC two weeks before the next meeting...

**John Lopez:** It should be noted that your applicant missed many deadlines.

**Suzanne Egan:** I think its really important to be clear here. What we need to do is, BSC would have to provide their comments, its not going to make any sense unless you can respond to them and submit that to the commission. It is very unlikely you are going to be able to do that within four weeks, then the commission to digest it so that then we can have a productive meeting. I can't see how that can be accomplished in time. So I wouldn't suggest that we waive that time period.

**Steve Langlois:** I agree with Commissioner Egan.

**Philip Christianson:** So can we hypothetically carry that out to see how long it is going to be? There are rules that state it has to be moved along in a timely fashion. It seems to me that we're going to be in September here awfully quick.

**Suzanne Egan:** It's the rules which are based on reasonable regulations, so that is the way they are.

**Buzz Coulliard:** The three week rule is a board rule; it's not a written bylaw. It's an arbitrary deadline that you guys have kept.

**Suzanne Egan:** But the board has made a decision, so maybe it is better if we just go forward with the hearing, at this point.

**Buzz Coulliard:** But I'm just asking what the time frame would be though. If that happens and we're looking at... the problem really is that you guys are meeting once a month, from my point of view. That is the problem as I see it. If you meet once a month, it could be October before this thing is moving. I don't think it's the intention of the board to drag something out. We've already been here for... we had to submit this plan, then another plan...

**Philip Christianson:** So you get Jillian's plan, and you don't have them 3 weeks prior to the next meeting, so we're into August. Then if you don't get my comments 3 weeks prior to a meeting, maybe we're into September.

**Steve Langlois:** Is this different from any other project?

**Philip Christianson:** It's different than any other town. Most towns, you can get comments in a week ahead of time, and that is sufficient for everybody to look at.

We just wanted to get that clarified and for everybody to understand what goes on.

**Steve Langlois:** I guess the thing to think about is, you have a 21 day rule, does the 7 day rule allow you 3 days? Did you ever have that happen where you miss the 7 days and they say, "you missed it, but, we'll give you 3 days?" (Christianson = yes).

Well, I'm on this board and no other boards. The thing is, are you going to present this information to us so we can make a decision? If we're going to be so confused because things are so pushed, we're still going to be out into September, what's the difference? Then we've already gone against the 21 day rule. We have to be realistic here. BSC, John has notified them with your

contract. So most likely they won't get in here for a week or two, depending on how busy they are?

**John Lopez:** I don't know. I received an e-mail from BSC today requesting to schedule a site visit. That is up to you and her.

**Alan Corey:** I'm looking at this plan, and it is very steep. There's going to be a lot of drainage. This is a complicated project. I'd like to know what is going on from somebody who is educated like BSC.

**Steve Langlois:** We don't slow people down on purpose. There's reasons why we have to take the time to do it correctly. That is what we are charged with upholding.

**Buzz Coulliard:** We'll just give you, as quick as we can, if we can get John to ask Jillian...we thought during the two week thing last time that she was going to start right away so we had something for tonight. That didn't happen.

**John Lopez:** She was, but she has a schedule, too. Jillian may be able to do a site visit this week, who knows?

**Buzz Coulliard:** We just wanted to get this stuff out in the open and everybody understood what's going on, that's all.

**John Lopez:** I think we need to do a briefing.

**Philip Christianson:** So there are 15 lots in the subdivision. This is an existing house, this is another existing house. Thirteen new single family houses will be built. We have a wetland crossing. In that crossing, there are three culverts being proposed. A 10X4 foot culvert and 3 - 4X2 foot culverts. There is an existing culvert right here. Almost like a weir section over here. At present, the water flows from up above here through this property, from across the street, comes down and there is a restriction right here. What we're doing is putting this road in. We've modeled this to account for the roadway through here, and this restriction and flow right here. On the roadway, we will have minimum practical legal width approved by Planning Board. We've got DPW to agree that we can minimize this to a 33 foot wide crossing of the wetland, and within that, we'd have a 22 foot wide road, which is less than their required roadway width. Also, with regard to the street, we're doing low impact development.. So we'll have a street with shoulders and then draining swales down the side, and swale water will be picked up in catch basins, brought into a chamber that the DPW likes to use called a baffle chamber that removes some suspended solids, and then into an infiltration system. There are three of these, then there is an overflow for an infiltration when flows are greater than the ground can absorb.

Sp storm water management includes LID, so you limit the amount of impervious surfaces, you have grass swales, these baffle chambers in 3 different locations, and infiltration of water into the ground. The infiltration also removes 80% of the total suspended solids. So the roadway complies with standards. This town says you can't have a roadway longer than 750 feet from where the curve of the cul-de-sac starts, which is here. Then the 1100 feet is the distance all the way around there. So it complies, and as far as we know, it meets with fire dept specs, but we haven't heard anything back from them. So we show 2 different styles of houses here, for illustrative purposes. Planning Board wants us to come back to them with 4 or 5 styles of houses. We'll do that and specify where they will be on the plan. This is a project that is a cluster in a ten acre zoning district. It follows the cluster standards, which is why there are small lots. There will be open space which will be given to the town. There are town properties behind this. There is presently a walking path through here, and it is our intention, working with the planning department and also with conservation, to make some decisions about how that trail should get up to town property in the open space here. There is a wetland replacement area that will go in

here. Mr. Seekamp has written a wetland replacement plan which you have and describes how this will be planted through this area. So we're compensating for any wetlands in this area. Regarding flood storage, by the design of this, we're not increasing any flooding back here. The land subject to flooding rules require that, you can't increase the lateral or vertical extent of flooding. When you look at our drainage calculations, you see that flood level in this area is at what it is in pre-existing conditions or slightly lower, by hundredths. Basically it is the same number. Peak flow rates are less than or matching existing peak flow rates off the property. We think we have a project that, we've gotten several waivers from planning in order to comply with conservation rules and regulations, to minimize the amount of impact and minimize the amount of runoff by the cluster residential, it minimizes how much land is disturbed by a housing project like this. We think it fits in well with what the planning department intends for the area, and I think what conservation will approve, when the time comes.

**Steve Langlois:** These swales, you decided to go with swales for drainage. Is that because of the steep? I take it that gets back to the LID business?

**Philip Christianson:** Yes. If you have curbing and catch basins in the street, you wind up capturing everything and it creates more of a problem. So we're trying to get away from that. By doing swales, it does a couple things: swales get rid of some of the suspended solids and sand and what not. What we did was make a shallow shoulder, then a 4 to 1 grade, a swale that is 3 feet wide and back 4 to 1. So this is set up so homeowners can just mow their lawn right to the street, keeping the swale clear. If you make it a sharp swale, that's no good. So we tried to make it gradual. The swale is also beyond the right-of-way. So we've provided a ten foot drainage easement beyond the right-of-way line. So if the town had to, they could get in and clean it out. DPW will maintain these baffle chambers that they like. We developed this in concert with DPW, so they've approved of this. The downstream culvert and the drainage is huge to the DPW, so we worked with them on that.

**Buzz Coulliard:** One other thing is, we have to come back for the crossing and for the lots and the 100 foot buffer. Last time, John, Can we get one NOI for the whole thing on Quimby? Now you mentioned to me that we come back with one NOI for each lot. We're do it either way, but I wanted to hear from the commission which way you wanted to go with that.

**Philip Christianson:** This would be for the roadway and the general grading, but not for the specific houses.

**Buzz Coulliard:** Some are outside the 100 foot buffer, so we wouldn't need to come for those, but some of them have small tiny corners, maybe we need to bring in an RFD for that to see if you guys think it is worthy of a NOI, I don't know. But it is going to come all at once, probably, and soon.

**John Lopez:** So potentially we'd have 8 or 9 NOIs. It's been my experience that it is cleaner when each lot has its own NOI. That way, we can close it out. As opposed to one Order of Condition for the whole project, which makes it hard to sell houses.

**Suzanne Egan:** I could see streamlining it, if you want to do one, making it easier for us.

**John Lopez:** It would be cheaper too for you.

**Buzz Coulliard:** Well, it does present a problem some times. Some lawyers want the Order of Conditions released, then I have to come back to you guys to get releases for each one and stuff. But if you're open to that, that's one way to do it. I don't care.

**Michael Bik:** I think on the legal side of it, when you are selling lots, that you should have an individual NOI for each, because I think you've had headaches in the long run.

**John Lopez:** It does multiply your cost with five public notices, but again, that is not our issue. That is up to you.

**Steve Langlois:** Are those lots going to be uniquely different? Like location to wetlands, what they need to have done to construct them...

**Buzz Coulliard:** Well, there is like 8 feet of slope on the frontage. It's do-able. The houses will be similar to Quimby. Slightly bigger and more garage.

**John Lopez:** So we need to continue this to the July 7 meeting, pending BSC comments. I'll talk to Jillian and try to get information.

**Motion** was made by Suzanne Egan to continue this hearing to July 7, pending BSC comments. Motion was seconded by Michael Bik. Vote was unanimous.

**Motion** to close the meeting for tonight by Michael Bik, seconded by Alan Corey. All in favor.

A site visit was briefly discussed. Alan and John can do it. Buzz suggested he have Nick call the commissioners to work it out easier. Site visits are helpful. Trying to get it this Saturday or the next Saturday.

**Motion to adjourn the hearing was made by Suzanne Egan and seconded by Michael Bik. All in favor.**

**Meeting adjourned at 9:15 P.M.**